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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-08-00901 SBA
	)	
Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	SENTENCING HEARING DATE TO
v.	)	JANUARY 26, 2010 AND ORDER
	)	
FERNANDO GONZALEZ,	)	Hearing Date: November 17, 2009
	)	Time: 10:00 a.m.
Defendant.	)	
	)	
	)	

Mr. Gonzalez is scheduled to be sentenced on November 17, 2009 at 10:00 a.m. Mr. Gonzalez and government counsel jointly request that the Court continue this matter to January 26, 2010 for sentencing.

On July 10, 2009, Mr. Gonzalez was convicted after a jury trial. The parties request this continuance because the parties are finalizing the terms of a post-conviction appellate waiver and sentencing agreement. The parties would like additional time to finish these negotiations now that the parties have determined the exact format that such an agreement would take.

Moreover, the parties request additional time because government counsel was in trial and unavailable for two weeks from late September to early October. Additionally, both sides agree that it would be appropriate to submit any potential agreement to the United States

1 Probation Office and Court, and would like to do so well in advance of Mr. Gonzalez's  
2 sentencing date. The parties anticipate that the requested continuance will allow the parties  
3 sufficient time to work out the final terms for a post-conviction appellate waiver and sentencing  
4 agreement. For this reason, the parties respectfully request that the Court grant a continuance to  
5 January 26, 2010.

6 Counsel for Mr. Gonzalez communicated with Probation Officer Brian Casai who is in  
7 the process of drafting the Pre-Sentence Investigation Report in this case. Mr. Casai informed  
8 counsel that he is in agreement with this continuance, would welcome additional time to  
9 complete the report, and is available to appear on January 26, 2010.

10 Because Mr. Gonzalez was convicted after trial, the parties agree that the Speedy Trial  
11 Act does not apply.

12  
13 DATED: October 15, 2009

\_\_\_\_\_/S/\_\_\_\_\_  
JOSHUA HILL  
Assistant United States Attorney

14  
15 DATED: October 15, 2009

\_\_\_\_\_/S/\_\_\_\_\_  
ANGELA M. HANSEN  
Assistant Federal Public Defender

16  
17  
18 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
19 "conformed" signature (/S/) within this e-filed document.  
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**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the parties need additional time to finalize the terms of a potential post-conviction sentencing and appellate waiver agreement;
2. Given that government counsel was in trial and unavailable for approximately two weeks from the end of September to early October;
3. Given that the U.S. Probation Officer is in agreement with this continuance and is available to appear on January 26, 2010; and
4. Given that the Speedy Trial Act does not apply;

Based on these findings, IT IS HEREBY ORDERED that the sentencing date of November 17, 2009, scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for January 26, 2010, at 10:00 a.m.

DATED:10/19/09

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge